

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN SPEARS,

Plaintiff,

-against-

**NOTICE OF MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

10 CV 03461 (JG) (RER)

THE CITY OF NEW YORK, P.O. FAWAD KHAN
(Shield No: 7739), DET. FRANK GALATI (Shield No:
2819), DET. MATTHEW SAVAGE (Shield No: 6484),
DET. ANDREW ERATO (Shield No. 2395), SGT.
DANIEL SBARRA (Shield No. 5029), DET. GARY
VANZANTEN, DET. TINA EVERETT, P.O. "JANE
DOE" AND "JOHN DOE" 1-10.

1 'through' 10 inclusive, the names of the last defendants
being fictitious, the true names of the defendants being
unknown to the plaintiff(s),

Defendants.

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PLEASE TAKE NOTICE that, upon the Declaration of Kimberly M. Savino dated May 21, 2012, and the exhibits annexed thereto, the memorandum of law dated May 21, 2012, and upon all prior pleadings and proceedings herein, defendants will move this Court before the Honorable John Gleeson, United States District Judge, at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, on July 6, 2012 at 10:30 a.m., for dismissal of (1) Plaintiff's claim as they relate to his April 26, 2008 arrest, (2) Defendants Fawad Khan, Gary Vanzanten, and Tina Everett for lack of personal involvement, and (3) Plaintiff's Monell Municipal Liability claim for failure to state a claim and to timely plead a claim, pursuant to Rule 56, on the grounds that plaintiff has failed to state a claim upon which relief may be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to the Order of the Honorable John Gleeson, entered May 16, 2012, plaintiff's opposition papers and cross-motion for summary judgment, if any, should be served and filed on the undersigned no later than June 5, 2012, and

PLEASE TAKE FURTHER NOTICE that defendants' reply papers and opposition to plaintiff's summary judgment motion, if any, shall be served and filed on plaintiff by June 19, 2012.

PLEASE TAKE FURTHER NOTICE that plaintiff's reply papers, if any, shall be served and filed on defendants by June 29, 2012.

Dated: New York, New York
May 21, 2012

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York,
Detective Fawad Khan, Detective Frank Galati,
Detective Matthew Savage, Detective Andrew
Erato, Sergeant Daniel Sbarra, Detective Gary
Vanzanten, and Detective Tina Everett*
100 Church Street, Room 3-227
New York, New York 10007
(212) 788-0987

By: /s/
Kimberly M. Savino
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Paul Hale, Esq. (by ECF)

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(Shield No: 6484), DET. ANDREW ERATO (Shield No. 2395), SGT.
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TINA EVERETT, P.O. "JANE DOE" AND "JOHN DOE" 1-10.

1 'through' 10 inclusive, the names of the last defendants being fictitious, the
true names of the defendants being unknown to the plaintiff(s),

Defendants.

NOTICE OF MOTION

MICHAEL A. CARDOZO

*Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Detective Fawad
Khan, Detective Frank Galati, Detective Matthew Savage,
Detective Andrew Erato, Sergeant Daniel Sbarra, Detective
Gary Vanzanten, and Detective Tina Everett
100 Church Street, Room 3-227
New York, New York 10007*

*Of Counsel: Kimberly M. Savino
Tel: (212) 788-0987
NYCLIS No.:*

Due and timely service is hereby admitted.

New York, N.Y., 2012

..... Esq.

Attorney for